

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE ASHLEY MADISON CUSTOMER	)	
DATA SECURITY BREACH LITIGATION	)	
	)	
This Document Relates to:	)	MDL No. 2669
	)	
ALL CASES	)	Case No. 4:15MD2669 JAR
	)	
	)	

**AMENDED<sup>1</sup> MOTION FOR APPOINTMENT OF PLAINTIFFS' INTERIM  
LIAISON COUNSEL, INTERIM CO-LEAD COUNSEL,  
AND INTERIM EXECUTIVE COMMITTEE**

Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, plaintiffs in the related actions docketed before transfer as *Jane Doe, et al. v. Avid Life Media, Inc., et al.*, No. 4:15-cv-01132-JAR (E.D. Mo.); *John Doe v. Avid Life Media, Inc.*, No. 3:15-cv-02750-N (N.D. Tex.); *Gustavo Alfaro v. Avid Life Media, Inc., et al.*, No. 5:15-cv-02295-PSG-AJW (C.D. Cal.); *John Doe, et al. v. Avid Life Media, Inc., et al.*, No. 3:15-cv-00658-HTW-LRA (S.D. Miss.); *John Doe No. 1, et al. v. Avid Life Media, Inc., et al.*, No. 2:15-cv-06619-PSG-PJW (C.D. Cal.); *Jane Doe, et al. v. Avid Life Media, Inc., et al.*, No. 1:15-cv-07017-ALC (S.D.N.Y.); *Deloach v. Avid Life Media, Inc., et al.*, No. 4:15-cv-00299-WTM-GRS (S.D. Ga.); *John Doe v. Avid Life, Media, Inc., et al.*, No. 6:15-cv-01464-LSC (N.D. Ala.); and *J. Doe 1, et al. v. Avid Life Media, Inc., et*

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<sup>1</sup> This amended motion is substantively identical to Plaintiffs' original motion [Doc. No. 6], filed January 6, 2016, except that it also seeks appointment of William B. Federman and Federman & Sherwood to the Interim Executive Committee. The accompanying memorandum in support was revised to add information about Mr. Federman's credentials and additional information about other movants.

*al.*, No. 8:15-cv-01347-JVS-DFM (C.D. Cal.)<sup>2</sup> (collectively, “Plaintiffs”), by and through undersigned counsel, respectfully move this Court for an Order:

(1) appointing Douglas P. Dowd and Dowd & Dowd, P.C., as Plaintiffs’ Interim Liaison Counsel, with responsibilities including facilitating, in consultation with Plaintiffs’ Interim Co-Lead Counsel, counsel for Defendants and the Court, orderly communications between the Court and all counsel; maintaining complete files with copies of all documents served upon him, and making such files available to other parties upon request; maintaining a service list of all MDL Plaintiffs’ counsel; and receiving orders and notices from the MDL Panel pursuant to Rule 8(e) of the Panel’s Rules of Procedure on behalf of all parties and the preparation and transmittal of copies of such orders and notices to all parties;

(2) appointing John J. Driscoll and The Driscoll Firm, P.C., and W. Lewis Garrison, Jr., and Heninger Garrison Davis, LLC, as Plaintiffs’ Interim Co-Lead Counsel, with responsibilities including coordination and organization of Plaintiffs’ counsel; preparation of a consolidated class action complaint and other consolidated pleadings; motion initiation, response, scheduling, briefing and argument; conduct of discovery; assignment of work to Plaintiffs’ counsel in order to facilitate the orderly and efficient prosecution of this litigation and avoid duplicative or unproductive efforts; designating attorneys to appear on behalf of Plaintiffs at court hearings and conferences; consultation with and retention of expert witnesses; negotiations with Defendants; conduct of trial and post-trial proceedings; and coordination and communication with Defense counsel regarding the foregoing;

(3) appointing a Plaintiffs’ Interim Executive Committee comprised of John Arthur

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<sup>2</sup> Each of these actions is included in the Panel’s original Transfer Order or in CTO-1. *See* Transfer Order (Dec. 9, 2015) [Doc. No. 1] and Conditional Transfer Order 1 (Dec. 22, 2015) [Doc. No. 4].

Eaves, Jr., and the Eaves Law Firm; Christopher S. Hinton and The Rosen Law Firm, P.A; Gary F. Lynch and Carlson Lynch Sweet & Kilpela, LLP; J. Parker Yates and Baddley & Mauro, LLC; and William B. Federman and Federman & Sherwood, with responsibilities including coordination with Plaintiffs' Interim Co-Lead Counsel regarding the foregoing and the timely and efficient completion of assignments delegated by Plaintiffs' Interim Co-Lead Counsel; and

(4) ordering any such further relief that the Court deems just and appropriate.

For the reasons set forth in their Memorandum in Support, which Plaintiffs incorporate by this reference, the requested appointments will clarify responsibility for protecting the interests of the class during precertification activities, such as making and responding to motions, conducting discovery, moving for class certification, and negotiating settlement, and will promote the just and efficient conduct of the litigation. In addition, the attorneys seeking appointment have worked diligently on this action since its inception, have considerable experience in prosecuting consumer class actions and other complex litigation, are knowledgeable regarding the applicable law and this Court's local rules and procedure, and have demonstrated their ability to commit the resources necessary to successfully prosecute this matter.

WHEREFORE, Plaintiffs request that the Court enter an Order making the appointments set forth above.

Date: January 22, 2016

Respectfully Submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties. In addition, copies were served via email upon the following attorneys of record:

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